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*Attorneys for Defendant and Counterclaim-Plaintiff*  
Radiancy, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TRIA BEAUTY, INC.,

Plaintiff,

vs.

RADIANCY, INC.,

Defendant.

Case No. CV-10-5030 RS

**NOTICE OF RESCHEDULED HEARING  
ON MOTION BY DEFENDANT  
RADIANCY, INC. TO DISMISS  
PLAINTIFF TRIA BEAUTY, INC.'S  
STATE LAW CLAIMS**

RADIANCY, INC.,

Counterclaim-Plaintiff,

vs.

TRIA BEAUTY, INC.,

Counterclaim-Defendant.

Date: March 10, 2011  
Time: 1:30 p.m.  
Ctm: 3

Honorable Richard Seeborg

Action Filed: November 5, 2010

1 TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on March 10, 2011, at 1:30 p.m., or as soon thereafter as  
 3 this matter may be heard in Courtroom 3 of the above-entitled court, the Honorable Judge Richard  
 4 Seeborg presiding, located at 450 Golden Gate Avenue, 17th Floor, San Francisco, California  
 5 94102, defendant Radiancy, Inc. ("Radiancy") will and hereby does move this Court for an order  
 6 dismissing plaintiff TRIA Beauty, Inc.'s second and third claims for relief under California  
 7 Business & Professions Code § 17500 and § 17200. This motion was previously noticed for  
 8 February 1, 2011 and is being re-noticed pursuant to Judge Seeborg's Reassignment Order, dated  
 9 December 28, 2010 (Dk. 17).

10 The motion will be made on the grounds that the second and third claims for relief fail to  
 11 allege facts sufficient to demonstrate plaintiff's standing to bring its claims under California  
 12 Business & Professions Code § 17500 and § 17200.

13 This motion is based upon this Notice of Motion and Motion, and the Memorandum of  
 14 Points and Authorities in support thereof previously filed in this action on December 15, 2010  
 15 (Dk. 9), and on such other materials as the Court may properly consider prior to deciding this  
 16 motion.

17 DATED: January 24, 2011

Brendan J. O'Rourke  
 Kristin H. Neuman  
 Robert H. Horn  
 Victoria L. Loughery  
 PROSKAUER ROSE LLP

21 By: /s/ Robert H. Horn  
 22 Robert H. Horn

23 Attorneys for Defendant and Counterclaim-Plaintiff,  
 24 Radiancy, Inc.

**PROOF OF SERVICE**

I declare that: I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is 2049 Century Park East, Suite 3200, Los Angeles, California 90067-3206.

On January 24, 2011, I served the foregoing document described as:

NOTICE OF RESCHEDULED HEARING ON MOTION BY DEFENDANT RADIANCY, INC. TO DISMISS PLAINTIFF TRIA BEAUTY, INC.'S STATE LAW CLAIMS

☒ by placing ☐ the original ☒ true copies thereof enclosed in a sealed envelope addressed as follows:

Peter M. Brody, Esq.  
Ropes & Gray LLP  
700 12th Street, NW  
Suite 900  
Washington, DC 20005-3948

☒ By U.S. Mail: I am readily familiar with the firm's practice for the collection and processing of correspondence for mailing with the United States Postal Service and the fact that the correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business; on this date, the above-referenced correspondence was placed for deposit at Los Angeles, California and placed for collection and mailing following ordinary business practices.

☐ If By Personal Service:

☐ By personally delivering such envelope to the addressee.

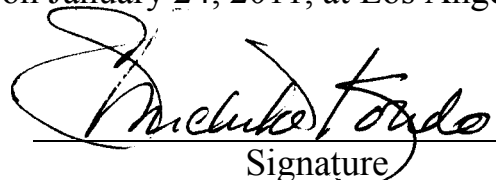
☐ By causing such envelope to be delivered by messenger to the office of the addressee.

☐ If By Next-Day Delivery Service: By causing such envelope to be delivered to the office of the addressee via FedEx® or by other similar overnight delivery service.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 24, 2011, at Los Angeles, California.

S. MICHIKO KONDO

Type or Print Name

  
Signature